

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

SPRING AIR INTERNATIONAL ET AL.,)
)
)
 Plaintiffs,)
v.)
)
HICKORY SPRINGS)
MANUFACTURING COMPANY,)
CARPENTER COMPANY,)
WOODBRIDGE FOAM CORPORATION,)
FLEXIBLE FOAM PRODUCTS, INC.,)
SCOTTDEL, INC., FOAMEX)
INNOVATIONS, INC., FUTURE FOAM,)
INC., VITAFOAM PRODUCTS CANADA)
LIMITED, VITAFOAM, INC., MOHAWK)
INDUSTRIES INC., LEGGETT &)
PLATT INC., ADVANCED URETHANE)
TECHNOLOGIES, INC.)
 Defendants.)
)

JEFFCO FIBRES, INC.,)
)
 Plaintiff,)
v.)
)
HICKORY SPRINGS)
MANUFACTURING COMPANY,)
CARPENTER COMPANY,)
WOODBRIDGE FOAM CORPORATION,)
FLEXIBLE FOAM PRODUCTS, INC.,)
SCOTTDEL, INC., FOAMEX)
INNOVATIONS, INC., FUTURE FOAM,)
INC., VITAFOAM PRODUCTS CANADA)
LIMITED, VITAFOAM, INC., MOHAWK)
INDUSTRIES INC., LEGGETT &)
PLATT INC., ADVANCED URETHANE)
TECHNOLOGIES, INC.)
 Defendants.)
)

GRAND RAPIDS BEDDING CO.,)
)
)
 Plaintiff,)
v.)
)
HICKORY SPRINGS)
MANUFACTURING COMPANY,)
VALLE FOAM INDUSTRIES, INC.,)
DOMFOAM INTERNATIONAL, INC.,)
CARPENTER COMPANY,)
WOODBRIDGE FOAM CORPORATION,)
FLEXIBLE FOAM PRODUCTS, INC.,)
SCOTTDEL, INC., FOAMEX)
INNOVATIONS, INC., FUTURE FOAM,)
INC., VITAFOAM PRODUCTS CANADA)
LIMITED, VITAFOAM, INC., MOHAWK)
INDUSTRIES INC., LEGGETT &)
PLATT INC., ADVANCED URETHANE)
TECHNOLOGIES, INC.)
 Defendants.)
)
)

JONATHAN STEVENS MATTRESS CO.,)
)
)
 Plaintiff,)
v.)
)
HICKORY SPRINGS)
MANUFACTURING COMPANY,)
VALLE FOAM INDUSTRIES, INC.,)
DOMFOAM INTERNATIONAL, INC.,)
CARPENTER COMPANY,)
WOODBRIDGE FOAM CORPORATION,)
FLEXIBLE FOAM PRODUCTS, INC.,)
SCOTTDEL, INC., FOAMEX)
INNOVATIONS, INC., FUTURE FOAM,)
INC., VITAFOAM PRODUCTS CANADA)
LIMITED, VITAFOAM, INC., MOHAWK)
INDUSTRIES INC., LEGGETT &)
PLATT INC., ADVANCED URETHANE)
TECHNOLOGIES, INC.)
 Defendants.)
)
)

ENGLANDER SOUTHWEST ET AL.,)	
)	
	<i>Plaintiffs,</i>)
v.)	
)	
HICKORY SPRINGS)	COMPLAINT
MANUFACTURING COMPANY,)	JURY TRIAL DEMANDED
VALLE FOAM INDUSTRIES, INC.,)	
DOMFOAM INTERNATIONAL, INC.,)	
CARPENTER COMPANY,)	MDL Docket No. 2196
WOODBRIDGE FOAM CORPORATION,)	Case No. 3:12-pf-10012-JZ
FLEXIBLE FOAM PRODUCTS, INC.,)	
SCOTTDEL, INC., FOAMEX)	
INNOVATIONS, INC., FUTURE FOAM,)	
INC., VITAFOAM PRODUCTS CANADA)	
LIMITED, VITAFOAM, INC., BRITISH)	
VITA UNLIMITED, MOHAWK)	
INDUSTRIES INC., LEGGETT &)	
PLATT INC., ADVANCED URETHANE)	
TECHNOLOGIES, INC.)	
	<i>Defendants.</i>)
))

**PLAINTIFFS' RESPONSE TO DEFENDANT ADVANCED URETHANE
TECHNOLOGIES, INC.'S MOTION TO STAY DISCOVERY**

Pursuant to the Federal Rules of Civil Procedure and Local Rule 7.1, Plaintiffs Spring Air International et al., Jeffco Fibres Inc., Englander Southwest et al., Grand Rapids Bedding and Jonathan Stevens Mattress Co. (collectively, “Plaintiffs”) hereby respond to Defendant Advanced Urethane Technologies, Inc.’s (“AUT”) Motion to Stay Discovery (the “Motion”).

Plaintiffs understand that, through the Motion, AUT seeks to stay discovery served on AUT as a defendant in the above-captioned matters pending resolution of its Motion to Dismiss. Plaintiffs do not understand the Motion to seek to narrow, attenuate or otherwise alter its discovery obligations as a third-party, which obligations predate and are separate from the naming of AUT

as a defendant. Given this understanding, Plaintiffs do not oppose the stay of discovery from AUT in its capacity as Defendant pending resolution of AUT's Motion to Dismiss. To the extent that AUT seeks, through the Motion, any attenuation of its preexisting discovery obligations as a third party, Plaintiffs oppose such relief on the grounds that such relief is unconnected to the fact that AUT has now been named as a Defendant in the above-captioned actions. There is no support in the case law or the federal rules for the proposition that a non-party somehow becomes subject to lesser discovery obligations because it is subsequently named as a party to the litigation, and Defendant cites none. This Court should not be the first to endorse such an approach.¹

¹ AUT filed its Motion to Dismiss simultaneously with its Motion to Stay. Pursuant to Fed. R. Civ. P. 15(a)(1)(B) and Local Rule 7.1(d), Plaintiffs will file either Amended Pleadings or a Response to the Motion to Dismiss within twenty-one (21) or thirty (30) days of service, respectively.

Dated: July 23, 2012

Respectfully submitted,

/s/ Rachel M. Brown
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***Attorney for Plaintiffs other than Spring Air
International et al.***

CERTIFICATE OF SERVICE

I, Rachel M. Brown, hereby certify that on July 23, 2012, a copy of foregoing document was filed electronically. Notice of this filing will be sent by the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ Rachel M. Brown
Rachel M. Brown